

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

WILLIAM LEWIS JAMES, JR.,)	
)	
Petitioner,)	
vs.)	NO. CIV-13-0641-HE
)	
WARDEN, FCI EL RENO, OKLAHOMA,)	
)	
Respondent.)	

ORDER


Petitioner William Lewis James, Jr., a federal prisoner appearing *pro se*, filed this habeas action pursuant to 28 U.S.C. § 2241. Consistent with 28 U.S.C. § 636(b)(1)(B), this matter was referred for initial proceedings to Magistrate Judge Suzanne Mitchell, who concluded that the petition should be dismissed without prejudice because relief was unavailable under § 2241, and that the court should not *sua sponte* construe the petition as a § 2255 action. Objections to the magistrate judge’s report and recommendation were due by March 26, 2014.

Petitioner, having failed to object to the report and recommendation, has waived his right to review of the factual and legal issues it addressed. United States v. 2121 E. 30th St., 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). Accordingly, the Report and Recommendation [Doc. #17] is **ADOPTED**, and the petition is **DISMISSED** without prejudice. Respondent’s motion to dismiss [Doc. #14] is

STRICKEN AS MOOT.

IT IS SO ORDERED.

Dated this 28th day of March, 2014.



JOE HEATON
UNITED STATES DISTRICT JUDGE